



DEPARTMENT OF THE NAVY

NAVAL AIR SYSTEMS COMMAND
NAVAL AIR SYSTEMS COMMAND HEADQUARTERS
WASHINGTON, DC 20361-0001

IN REPLY REFER TO

NAVAIRINST 12630.2B
AIR-711
10 Jun 92

NAVAIR INSTRUCTION 12630.2B

From: Commander, Naval Air Systems Command

Subj: RESTORATION OF FORFEITED ANNUAL LEAVE

Ref: (a) Public Law 93-181
(b) FPM Ltr No. 630-22 of 11 Jan 74
(c) OCPMINST 12630.1
(d) CFR 630.306 of 1 Jan 90

Encl: (1) Criteria and Procedures for the Restoration of
Forfeited Annual Leave

1. Purpose. To provide criteria and procedures for the restoration of forfeited annual leave within the Naval Air Systems Command Headquarters (NAVAIRHQ) as required by references (a) through (d).

2. Cancellation. This instruction supersedes NAVAIR Instruction 12630.2A of 2 November 1982. Since this is a major revision, changes are not indicated.

3. Information. Enclosure (1) lists the procedures necessary for the restoration of forfeited annual leave. Restored annual leave will be maintained for 2 years in a separate leave account and must be scheduled and used no later than the end of the second leave year. The normal rule that requires any annual leave in excess of the maximum permissible carry over be automatically forfeited at the end of the leave year is temporarily suspended under the following conditions:

a. Administrative error when the error causes the loss of annual leave otherwise accruable after 30 June 1960.

b. Exigencies of the public business when such annual leave was scheduled in advance.

c. Sickness of the employee when such annual leave was scheduled in advance.



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4. Action

a. Supervisors will schedule or reschedule the use of annual leave throughout the year for employees under their supervision.

b. Employees will request annual leave to assure that leave will be used during the year to avoid situations where annual leave must be used or forfeited at the end of the leave year. These requests must be submitted on a form SF-71, Application for Leave. Employees with restored leave to their credit will indicate on the form SF-71 if leave is to be charged against the restored leave account. When employees choose not to request or use annual leave to avoid forfeiture, they are not entitled to have the forfeited leave restored. Any restored leave unused at the end of 2 years is again forfeited with no further right to restoration.

c. The Associate Director for Corporate Operations (AIR-07B) will act on behalf of the Commander/Vice Commander as the designated approving official for NAVAIRHQ to approve:

(1) the decision that an exigency of the public business is of such importance that the employee cannot be excused from duty

(2) the decision that there is no reasonable alternative to the cancellation of the scheduled leave; and

(3) the request for restoration of annual leave forfeited because of the exigency of the public business or because of illness.

d. The Director, Human Resources Office, Crystal City, will certify and approve the restoration of forfeited annual leave due to administrative error.

5. Forms. SF-71, Application for Leave, NSN 7540-00-753-5067, may be obtained from local General Service Administration (GSA) stores.



L.F. MILAN
By direction

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CRITERIA AND PROCEDURES FOR THE
RESTORATION OF FORFEITED ANNUAL LEAVE

1. Information. The statutory requirement for restoration of forfeited annual leave focuses specific attention on the long-standing employee-management mutual responsibility to plan and schedule the use of annual leave throughout the year. The scheduling of leave is so important that the law makes it a prerequisite to the restoration of annual leave that may be forfeited because of exigencies of the public business or because of sickness.

2. Criteria. Reference (c) defines three conditions wherein forfeited annual leave may be restored.

a. Loss of Annual Leave Due to Administrative Error. This is a retroactive provision. It permits an agency to restore to a current employee any annual leave that may have been forfeited because of administrative error; that is, an error in service computation date resulting in an employee being placed in the wrong leave earning category or failure to change an employee's leave earning category when due, thereby causing a forfeiture of annual leave, provided the leave was accruable after 30 June 1960. The forfeited annual leave is to be restored up to the maximum amount permitted by the leave system covering the employee.

b. Loss of Annual Leave Due to the Exigency of the Public Business. This condition recognizes that even with the best planning and scheduling of annual leave usage throughout the year, operational demands may not permit usage to avoid forfeiture of some leave by some employees. In this context, the operational demands may be unanticipated or anticipated by management. The key factor to bear in mind is that the exigency or operational demand was of such importance as to preclude the use of scheduled annual leave. In reaching the decision, management should be guided by the following:

(1) The determination that the exigency is of such importance that employees cannot be excused from duty for the duration of the exigency is a separate decision approved by the designated approving official. Normally, this decision is to be made in advance of the cancellation of annual leave, or the assignment of employees who will be affected by the work requirements generated by the exigency. Only a bonafide emergency would preclude making the decision in advance.

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(2) There is no reasonable alternative to the cancellation of the scheduled annual leave, or the assignment of those individual employees who will forfeit annual leave because of the work requirement generated by the exigency. This also is a separate decision distinct from the decision about the importance of the exigency and approved by the designated approving official.

(3) A specific beginning date and ending of the exigency period must be fixed in advance unless the suddenness or uncertainty of the circumstances prevent advance decision. These dates must establish the specific time period within which employees were prevented from using scheduled annual leave and thus subsequently forfeited leave.

(4) The forfeited annual leave was scheduled and approved at least three pay periods prior to the end of the leave year.

(5) The scheduled leave was cancelled and could not be rescheduled to avoid forfeiture.

(6) The scheduling and necessary rescheduling of annual leave must be in writing.

c. Loss of Annual Leave Due to Sickness

(1) Employees always have had the option of using annual leave in place of sick leave when the absence is related to illness. This option is unchanged.

(2) Sickness, that is, a medical or physical condition for which a grant of sick leave would be approved, is not in itself a basis for permitting annual leave to be forfeited and subsequently restored for later use. Management still has the responsibility to schedule or reschedule the use of annual leave to avoid forfeiture. This is especially true where it is known in advance that a medical or physical condition will require an absence within the leave year.

(3) Workload considerations that are affected by an employee's absence due to illness may not be used as the basis for cancelling scheduled annual leave or for not rescheduling the use of annual leave to avoid forfeiture unless the requirements relating to the exigency of the public business are satisfied.

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(4) Employees may now have annual leave restored which was forfeited because of illness provided

(a) the annual leave was scheduled at least three pay periods prior to the end of the leave year; or

(b) the period of absence due to sickness occurred at such a time, late in the leave year, or was of such duration that the annual leave could not be rescheduled before the end of the leave year to avoid forfeiture.

3. Procedures

a. Administrative Error. The employee will forward a statement setting forth the facts which support the claim of administrative error, together with any available records, to Director, Human Resources Office, Crystal City (HRO-CC) for approval.

b. Exigency of the Public Business

(1) Within 2 months of the end of the leave year, the employee will submit a request for restoration of the forfeited leave to the Associate Director for Corporate Operations (AIR-07B) via their supervisory chain and the Human Resources Management Division (AIR-711). The request will

(a) contain a request that the specific number of hours of annual leave forfeited be restored;

(b) include a form SF-71 certified by the employee and the supervisor as accurate, indicating that the leave had been scheduled and/or rescheduled in advance of the cancellation of the scheduled leave; and

(c) contain any other specific information regarding the exigency which will assist the approving official.

(2) The supervisor will review the request and

(a) provide information as to the nature of the exigency and when it began and when it ended;

(b) state why the annual leave was cancelled and could not be rescheduled and taken prior to the end of the leave year; and

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(c) certify that prior to cancellation of the leave the decision that an exigency did exist and there was no reasonable alternatives to the cancellation of the scheduled leave were approved by the designated approving official.

(3) Addressees will indicate their concurrence/nonconcurrence with the request.

c. Sickness. Within 2 months of the end of the leave year the employee will forward the following documents to the Associate Director for Corporate Operations (AIR-07B) via the supervisory chain and AIR-711:

(1) A form SF-71, certified by the employee and the supervisor as accurate, indicating that leave was scheduled in advance for specific dates and that the sickness occurred at such a time or was of such duration that annual leave could not be rescheduled for use before the end of the leave year to avoid forfeiture.

(2) Doctor's statement concerning the period of illness or a form SF-71 signed by the employee and supervisor indicating the nature of the illness and why a medical certificate is not furnished.

(3) Addressees will indicate their concurrence/nonconcurrence with the request.

4. Recording. Upon approval/disapproval of the request for restoration the employee will be notified in writing. Approved requests for restored annual leave will be forwarded to the Defense Finance and Accounting Service for recording in a separate leave account.